



**APEC DATA PRIVACY WORKSHOP
CHIANG RAI, THAILAND
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Thailand Perspective Toward Self-Regulation and Government Enforcement on Privacy Issues

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OUTLINE

- I. Introduction: Self-Regulation and Government Enforcement in Protection of Personal Data**
- II. Existing approaches on privacy protection at the national level**
- III. Surveys of Privacy Protection in Thailand Marketplace**
- IV. Conclusion/Recommendation**

I. Introduction: Self-Regulation and Government Enforcement in Protection of Personal Data

- Government services, Online services and e-Commerce lead to collection of massive personal data**
- Privacy infringement of data subject s**

I. Introduction: Self-Regulation and Government Enforcement in Protection of Personal Data

- **Mechanisms that address harms from misuse**
 - **Public awareness of risks**
 - **Privacy concerns**
 - **Self-Regulation of data collectors**
 - **Government Enforcement**

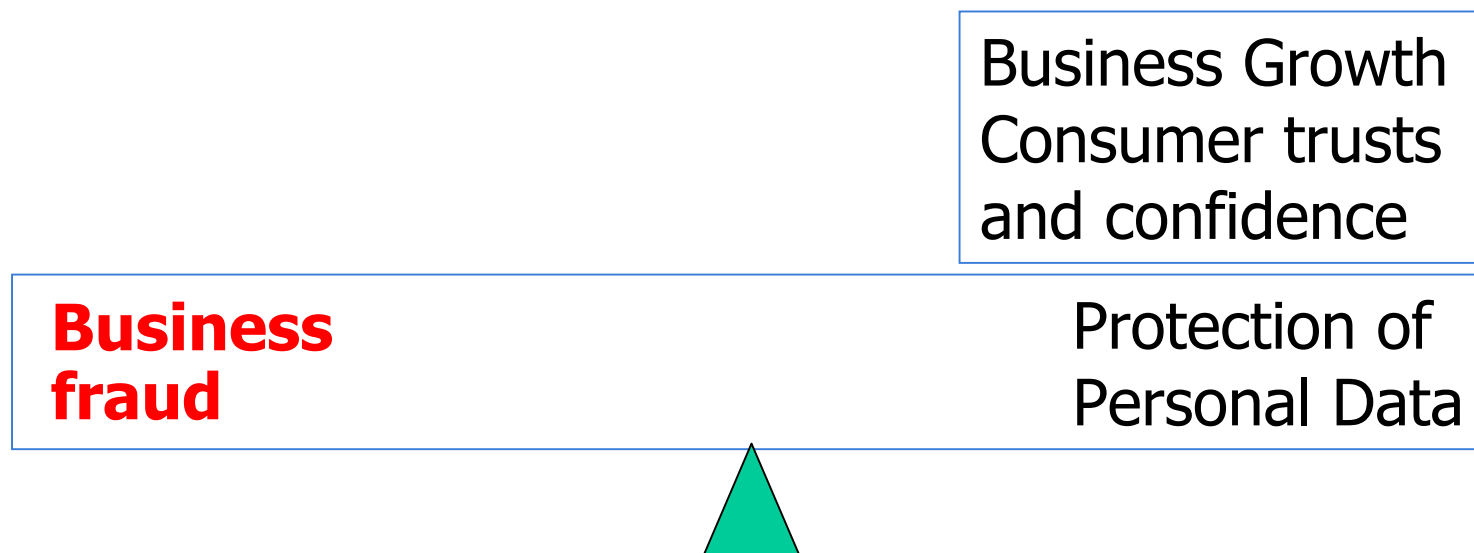
"consents of data subjects must be obtained when personal data is collected, used or traded for the commercial purposes."

OECD guidelines on the Protection of Privacy and Transborder Flows of Personal Data and EU Directive 95/46/EC on the

Protection of Individuals with regard to the Processing of

I. Introduction: Self-Regulation and Government Enforcement in Protection of Personal Data

- **Self-Regulation**
- **Government Enforcement**



II. Existing approaches on privacy protection at the national level

Legal framework

- 1) Constitution of the Kingdom of Thailand B.E. 2540 (1997)**
- 2) Data Protection Law**
- 3) The Official Information Act B.E. 2540 (1997)**
- 4) Credit Bureau Act B.E. 2545 (2002)**

Also,

- 5) Consumer Protection Act
- 6) Direct sales and Direct Marketing Act B.E.2545 (2002)

II. Existing approaches on privacy protection at the national level

Data Protection Bill of Thailand

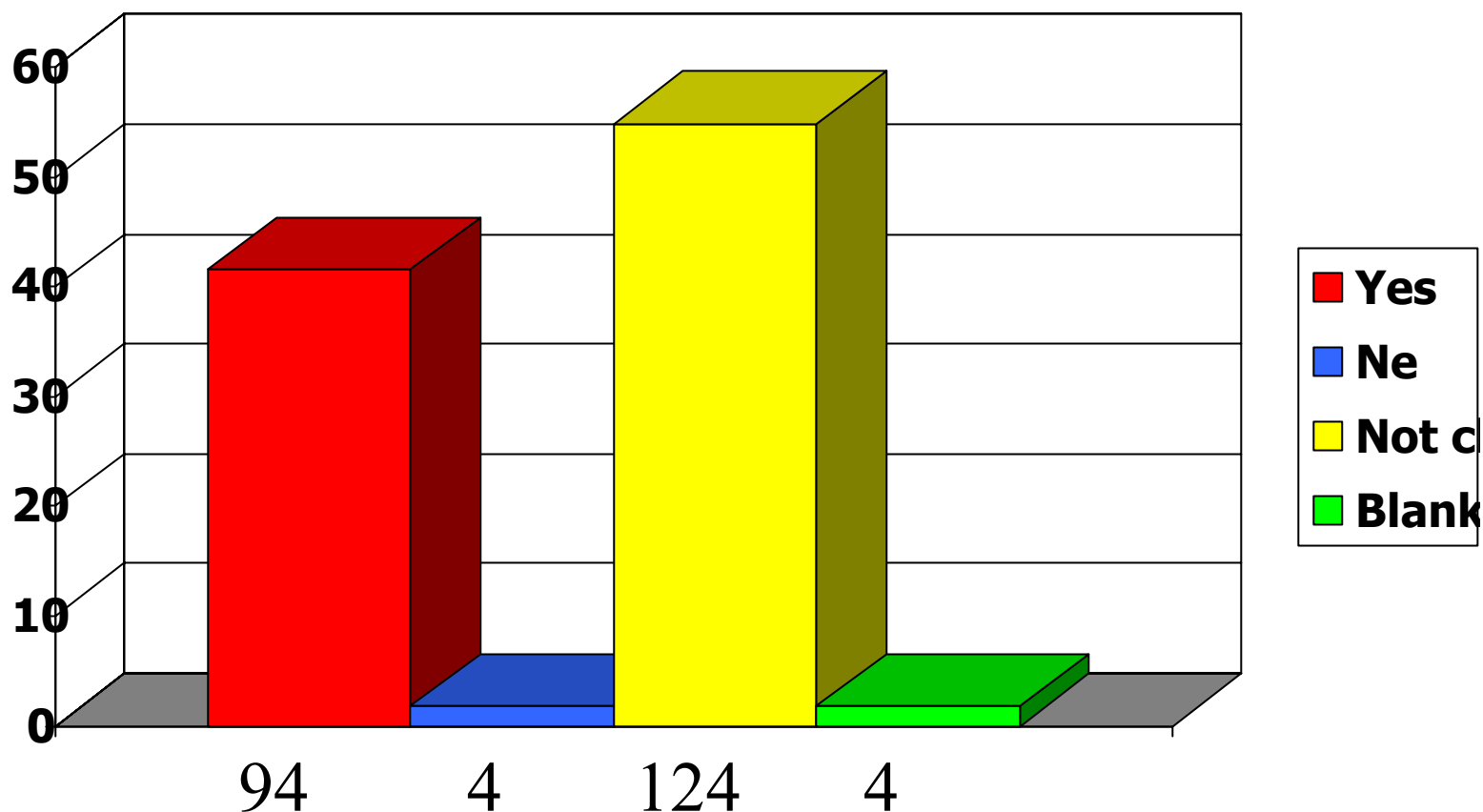
Main Principles

- **Collection limitation**
- **Data quality**
- **Purpose specification**
- **Use limitation**
- **Security and safeguards**
- **Openness**
- **Individual participation**
- **Transborder flows of restriction**

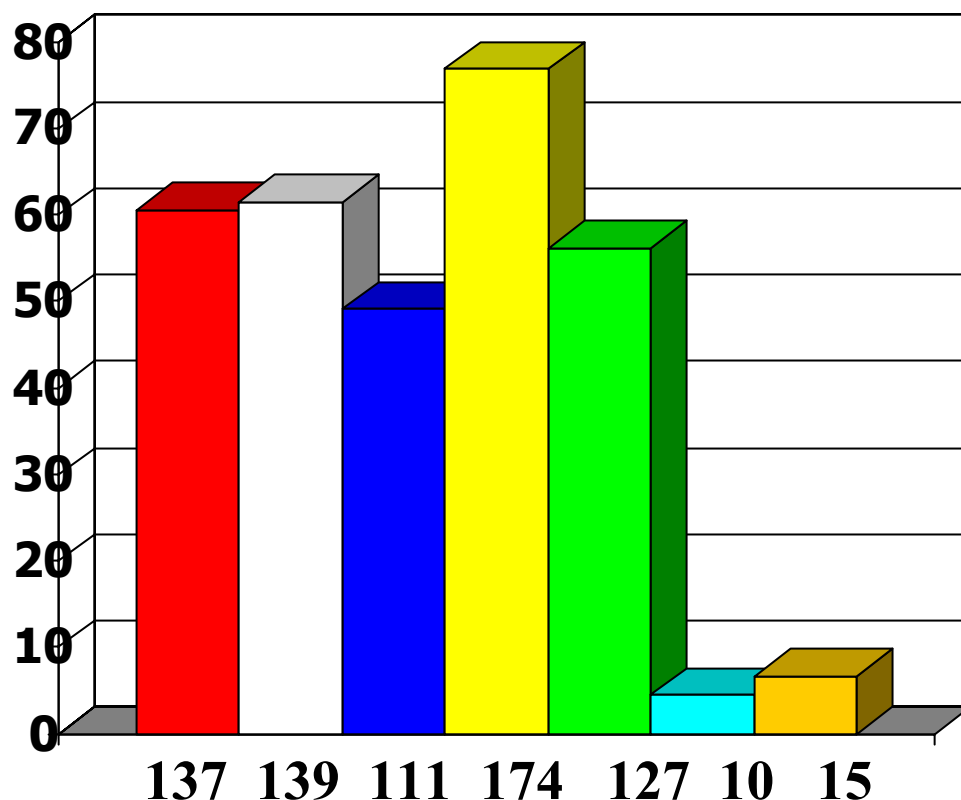
III. Surveys of Privacy Protection in Thailand Marketplace

- **Questionnaire survey (June 2001)**
(226 respondents from the seminar on “Data Protection Law”)
- **Surveys from web sites (February 2003)**
759 websites:
 - 187 listed companies in Stock exchange of Thailand
 - 159 government sites
 - 100 tourism sites
 - 100 education/academic sites
 - 83 financial institutions
 - 65 IT security and ASPs
 - 41 Online free services and search engines
 - 24 Internet Service Providers

Do respondents know what's "Personal Data" mean?

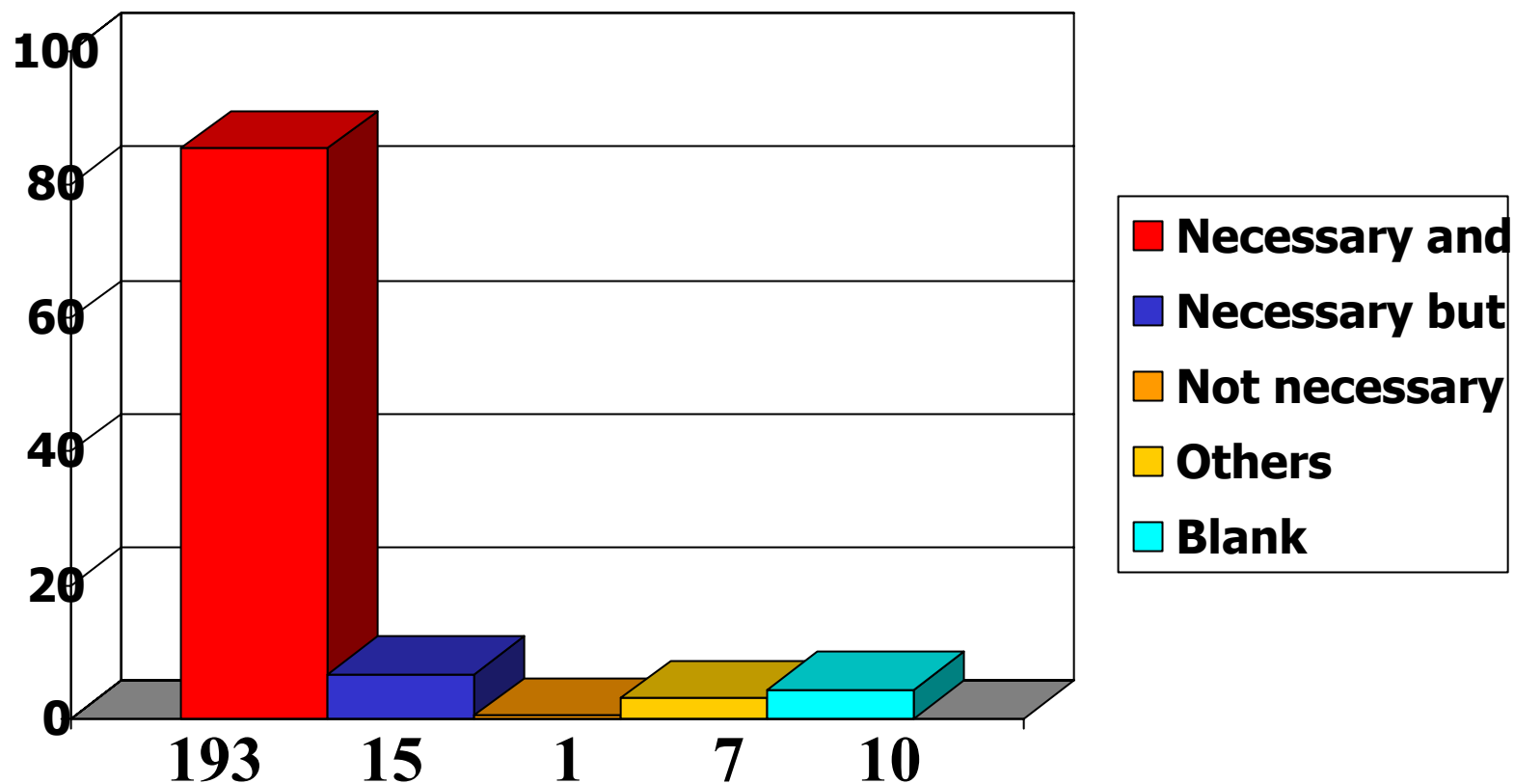


The obstacles in developing privacy protection in Thailand

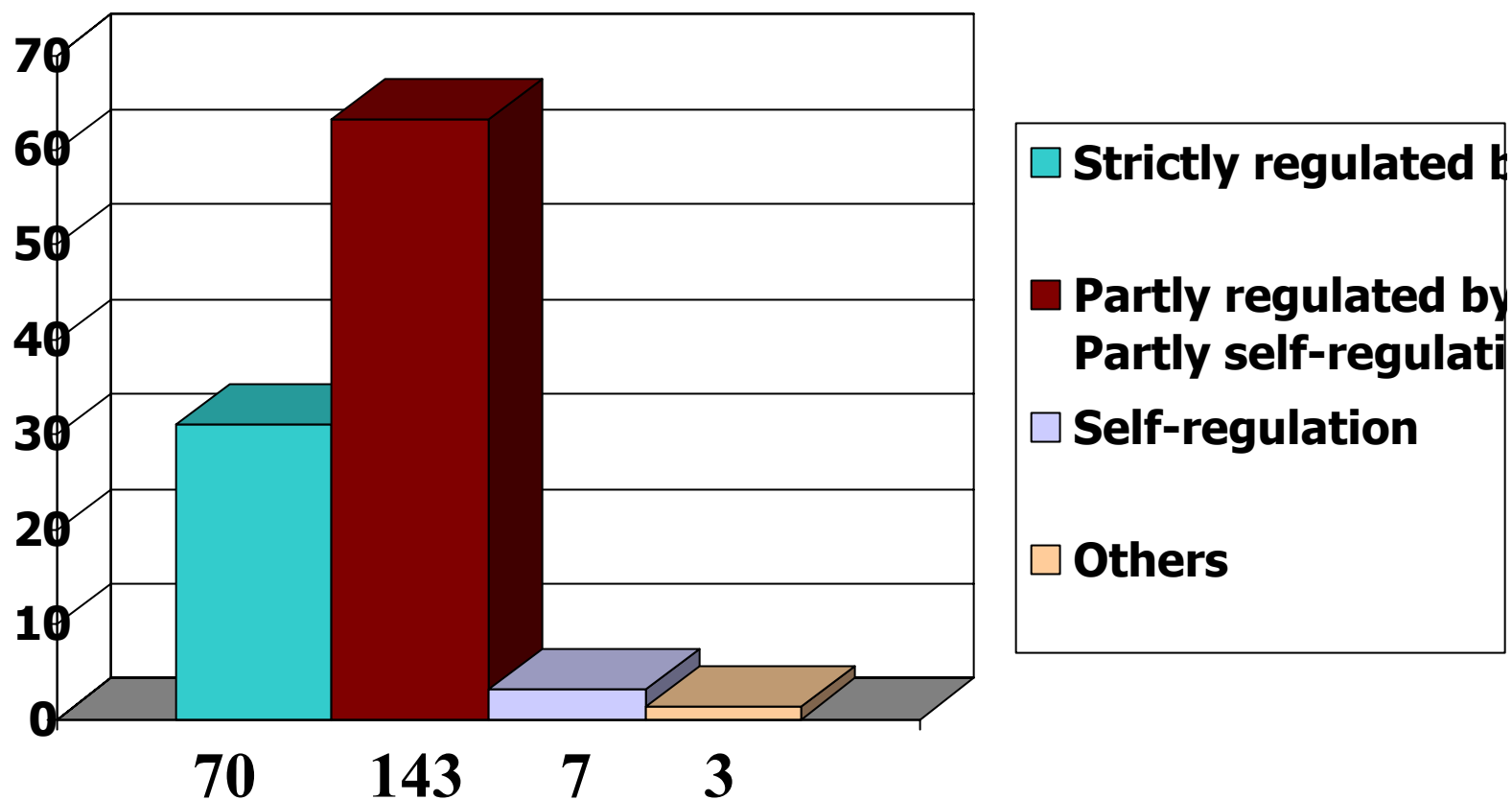


- people don't aware of privacy issues
- The government don't provide information to the public
- Thai attitudes and culture are mostly mutual concern
- The people don't aware of privacy in online activities
- The people don't know how to protect themselves
- Others

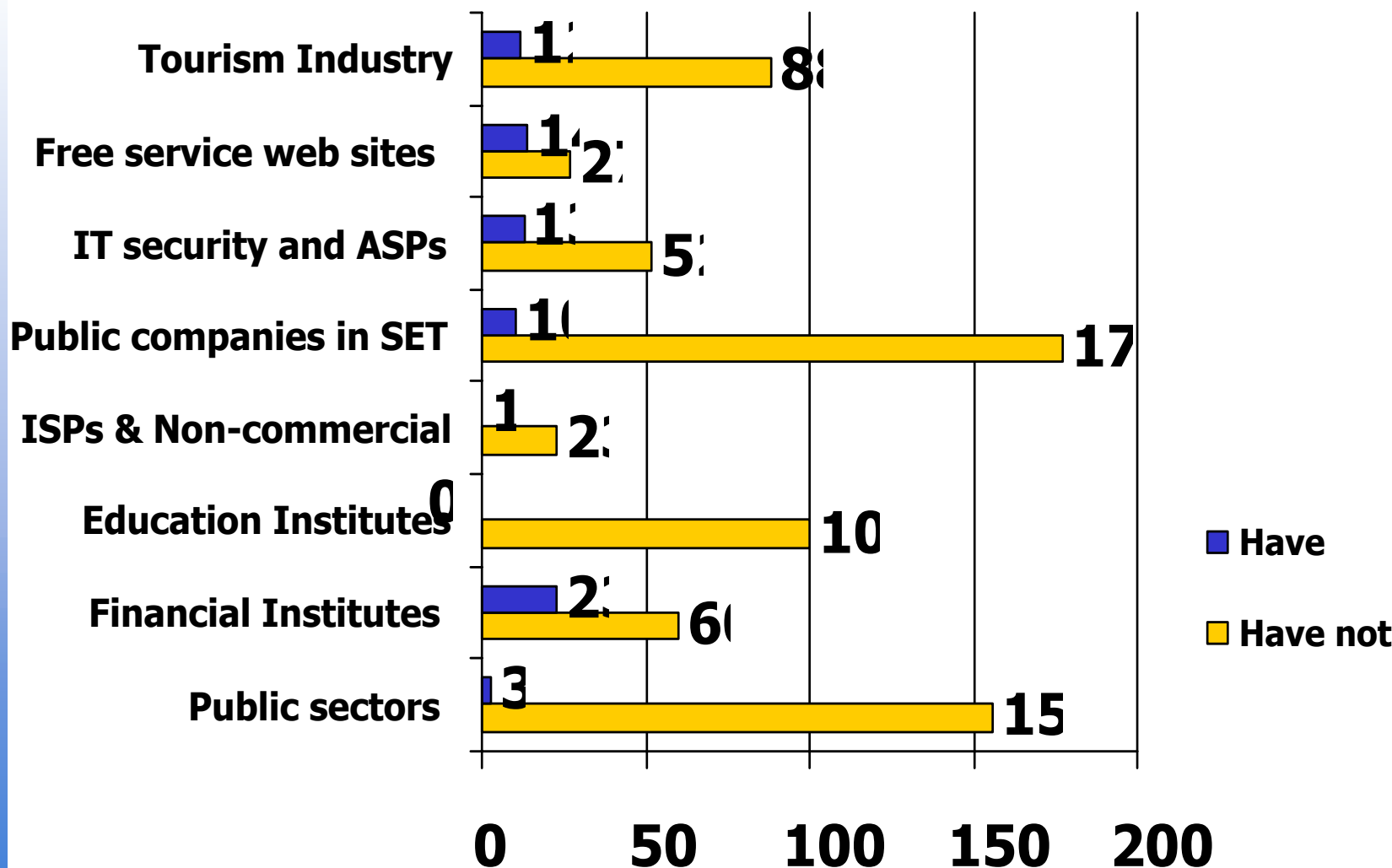
Necessity of adopting Data Protection Law in Thailand



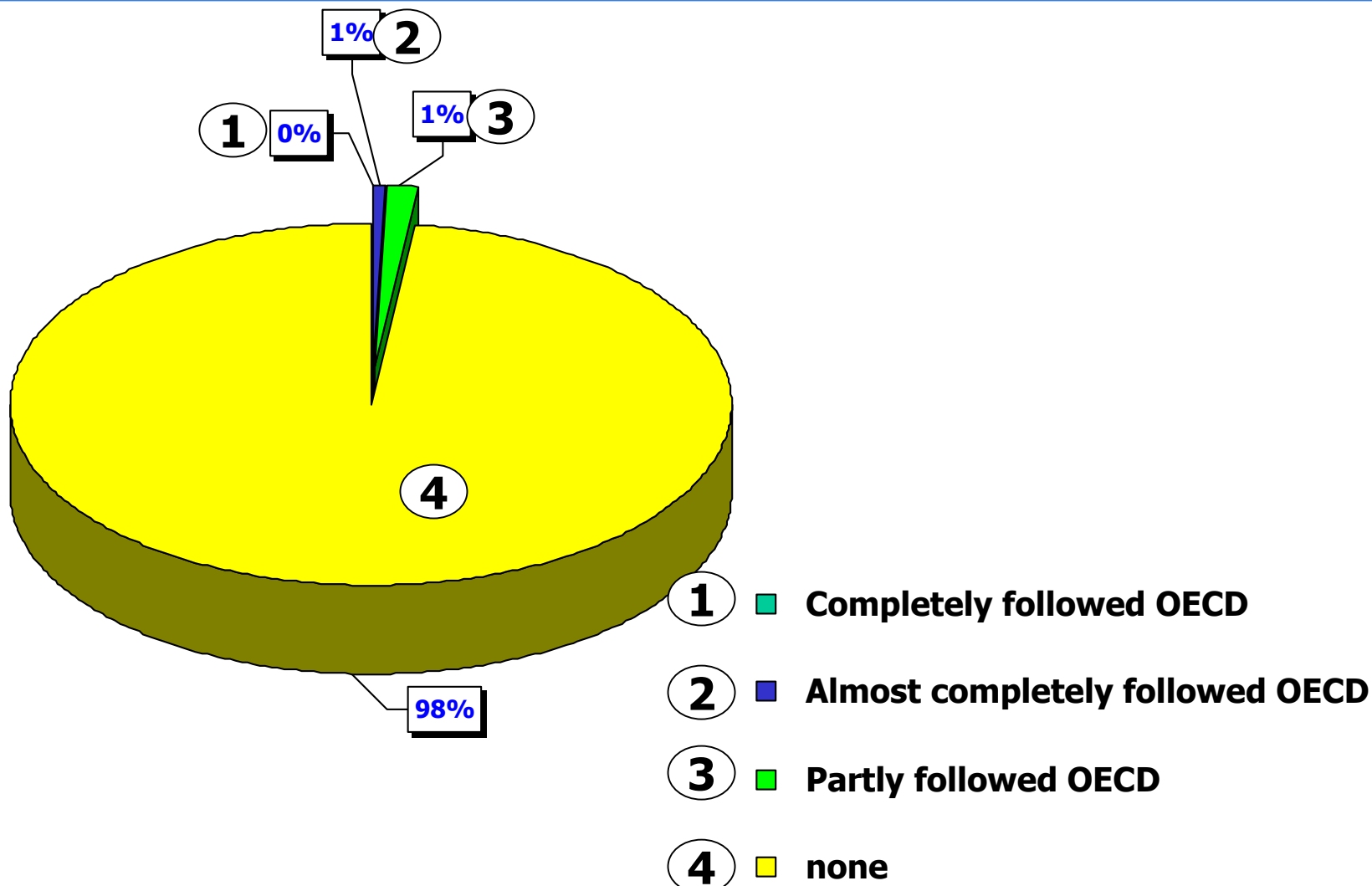
Regulation schemes on protecting personal data



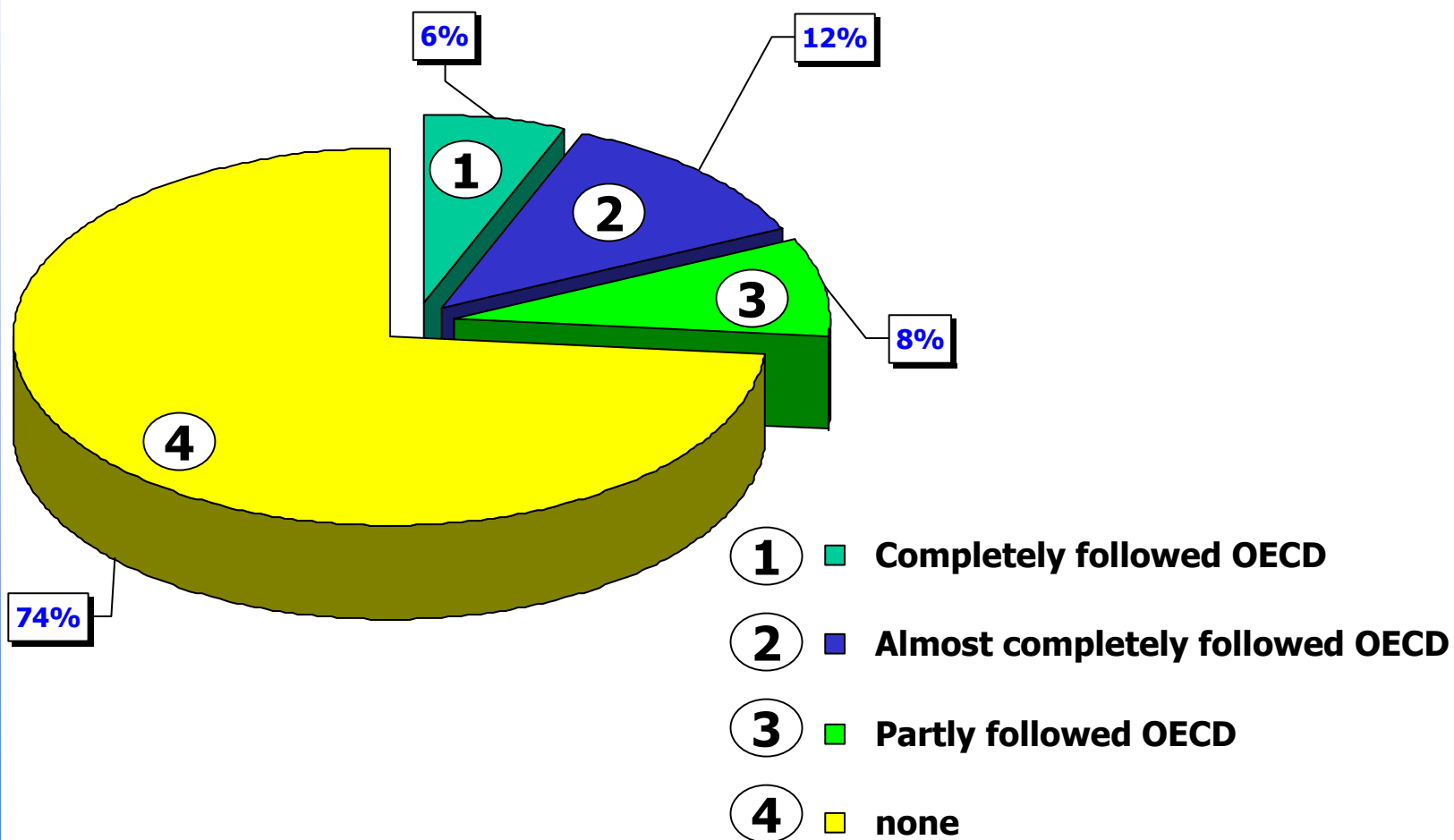
Survey of Privacy Policy in web site .



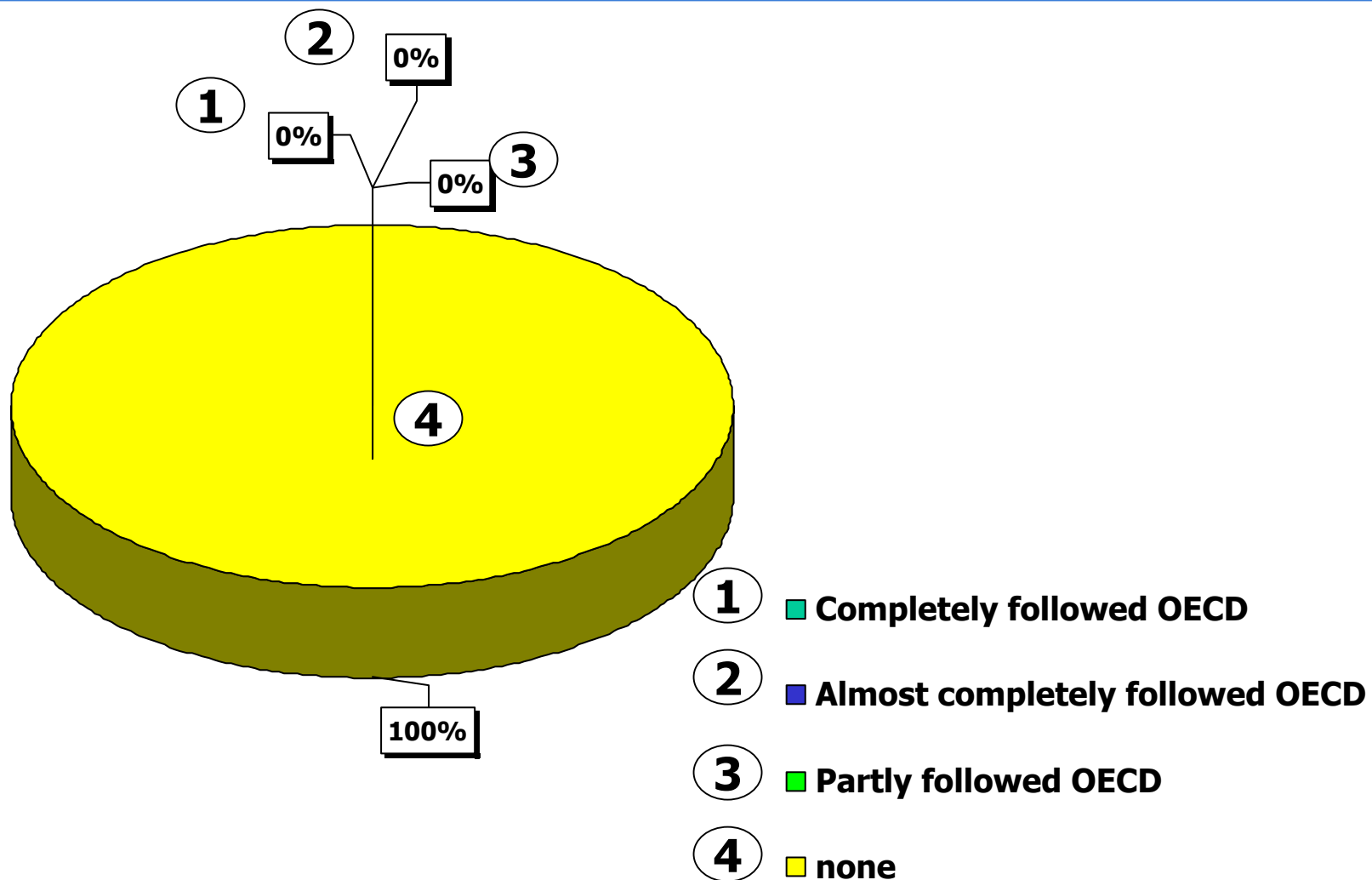
Survey of Privacy Policy adopting in web site of Public sectors .



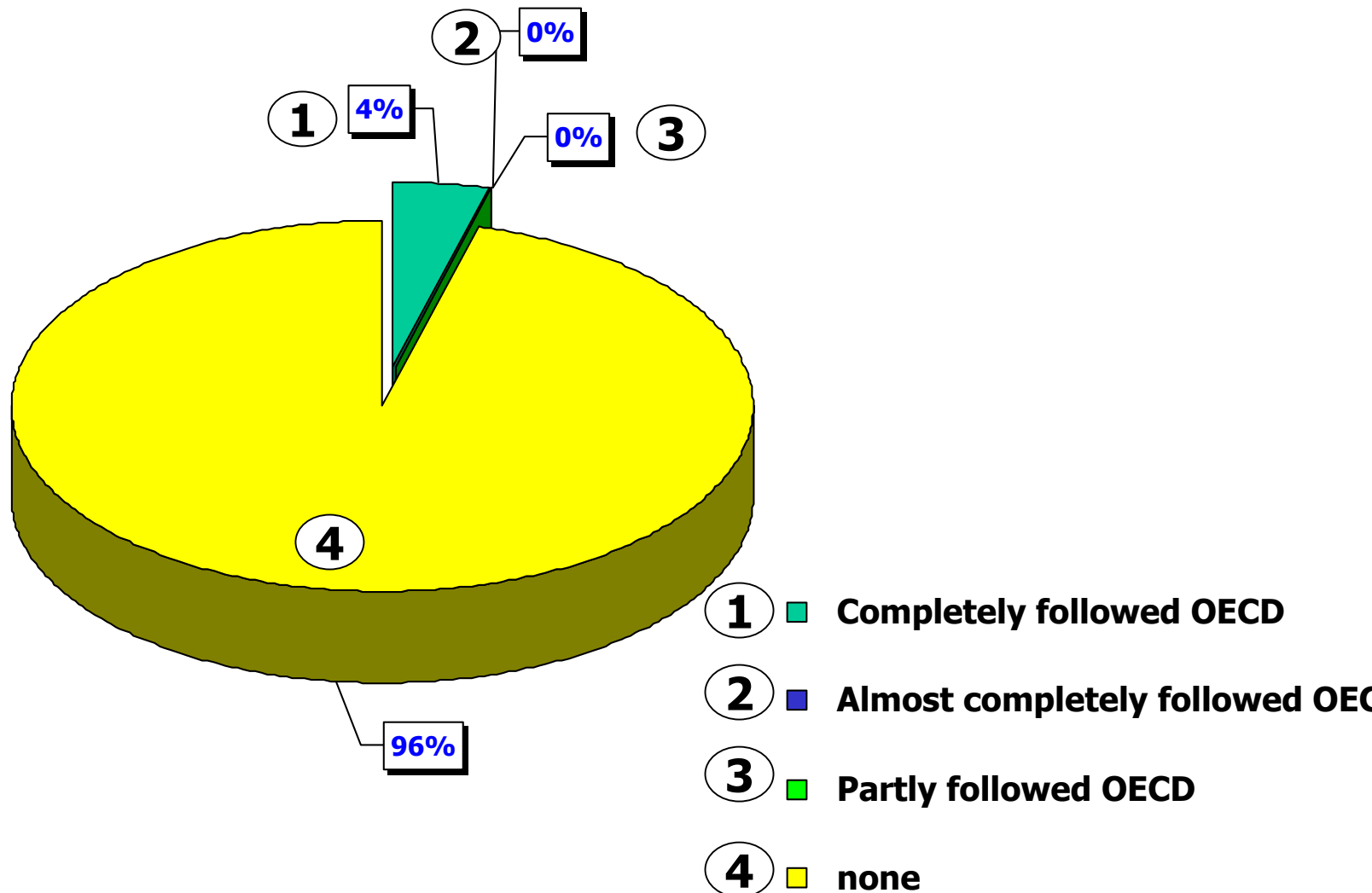
Survey of Privacy Policy adopting in web site of Financial Institutes.



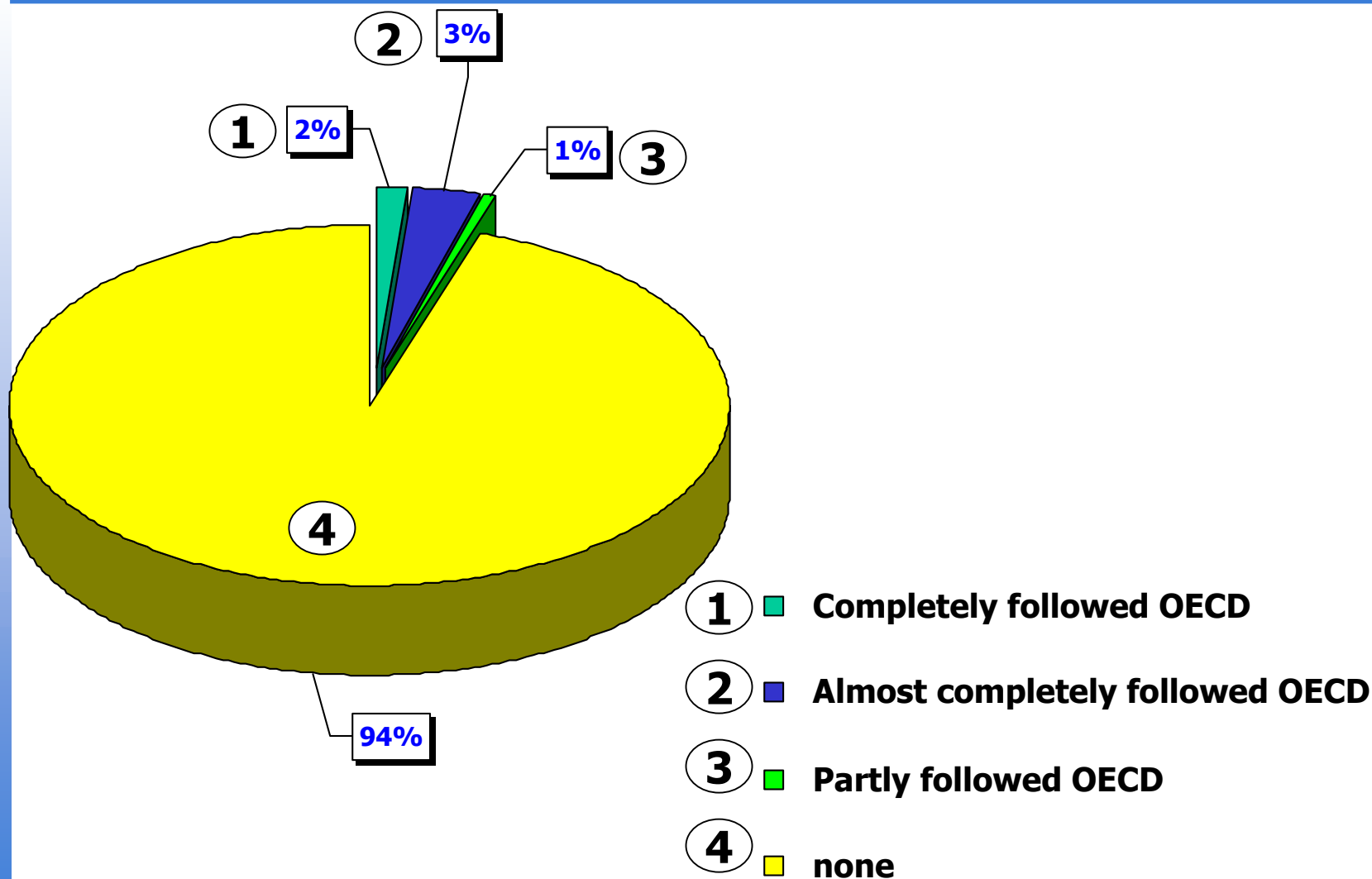
Survey of Privacy Policy adopting in web site of Education Institutes.



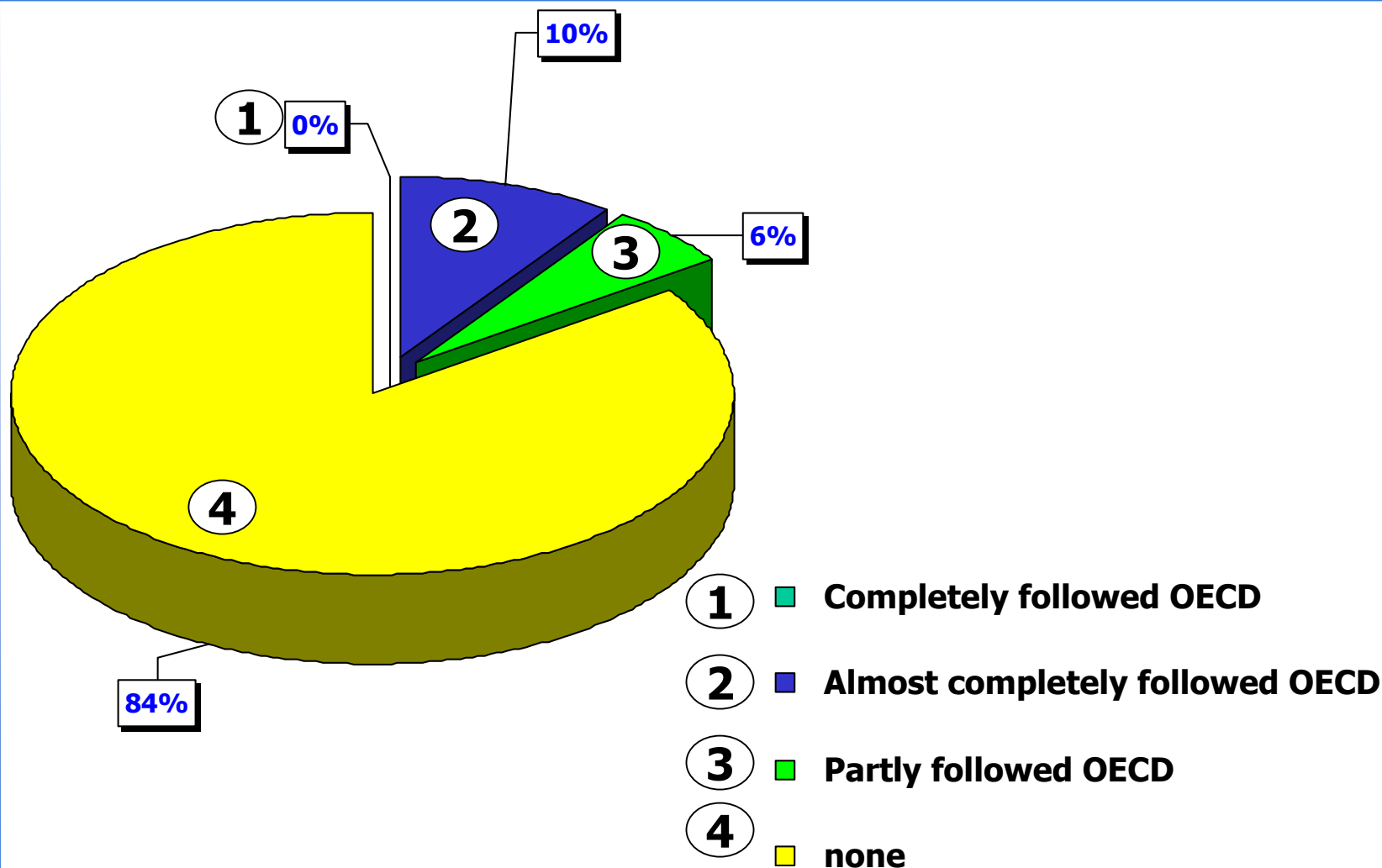
Survey of Privacy Policy adopting in web site of ISP & Non-Commercial Service Providers.



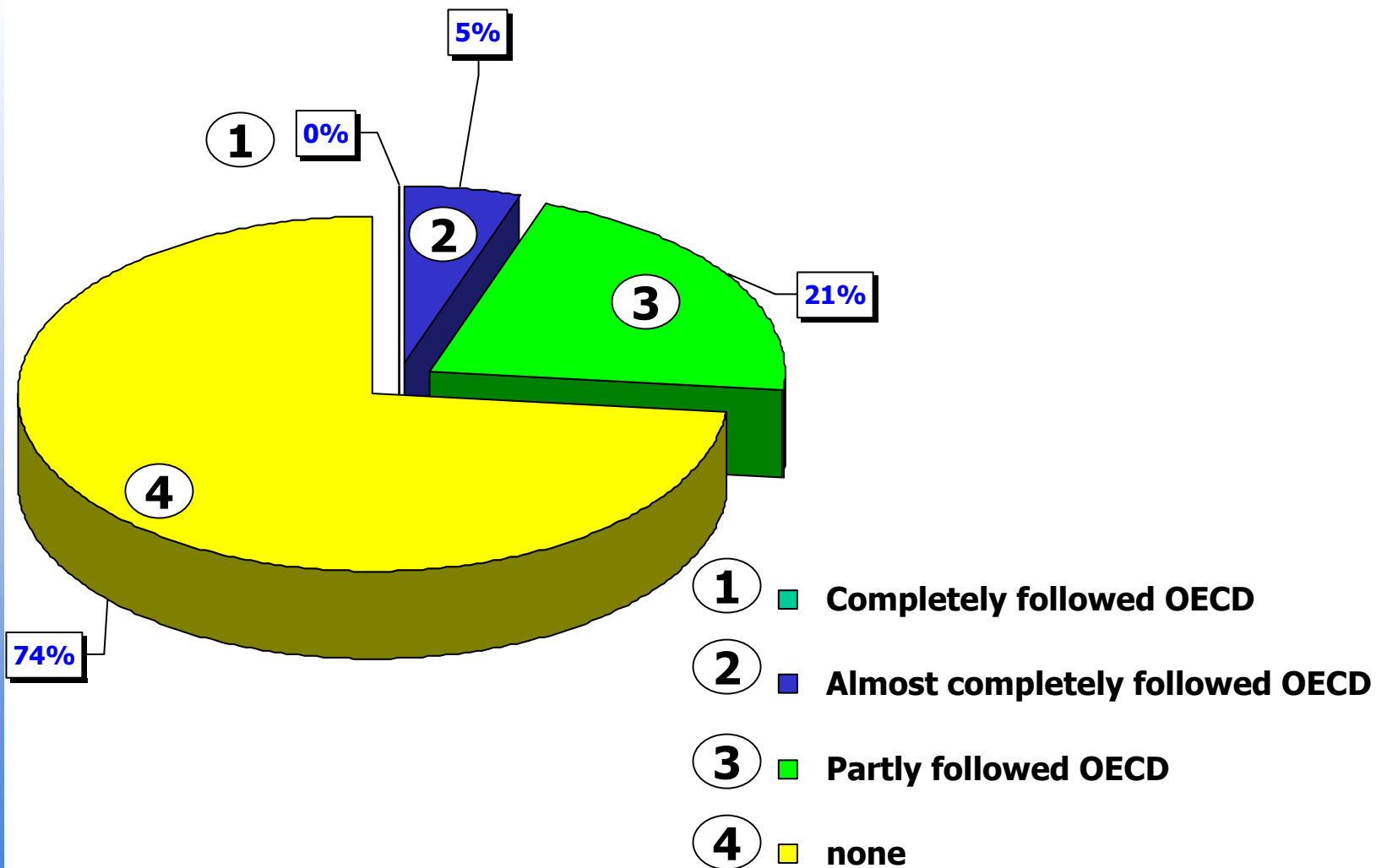
Survey of Privacy Policy adopting in web site of public companies in The Stock Exchange.



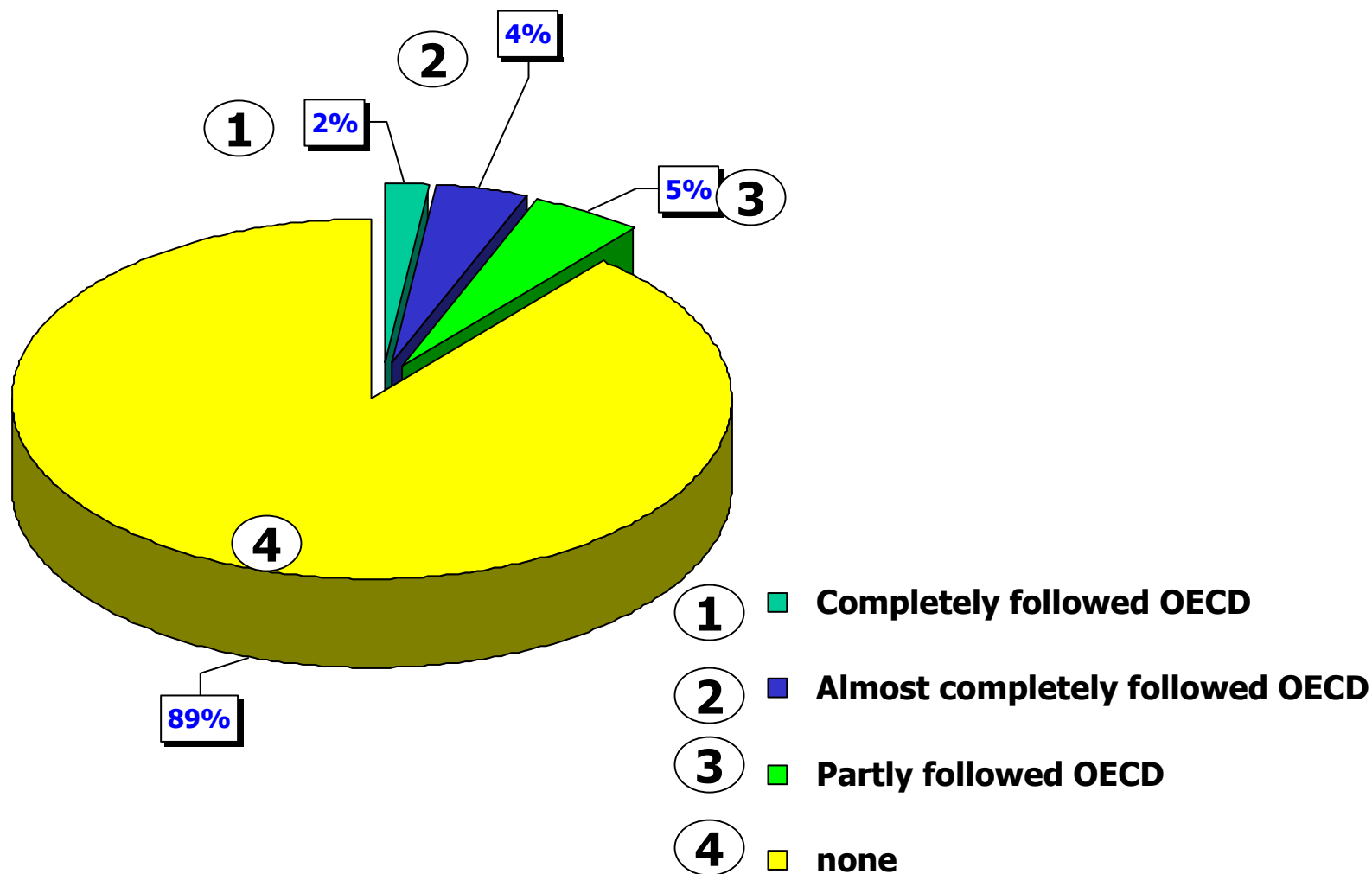
Survey of Privacy Policy adopting in web site of IT security and Application Service Providers.



Survey of Privacy Policy adopting in free service web site Eg. Search engine, directory, e-mail .



Survey of Privacy Policy adopting in web site of Tourism Industries.



IV. Conclusion and recommendation

- **Low attention in the right for privacy in cyberspace**
- **10% of websites surveyed adopt privacy policy**
- **Close to 25% of Financial Institutions and Free services have privacy policy**
- **Government regulation and self-regulation (combined strategies) is preferred: put emphasis to awareness and self-regulation first.**

IV. Conclusion and Recommendation

- **There are differences in privacy concerns and**
- **Recommendations to APEC/ECSG:**
 - **How can we learn from each other?**
 - **preventive measures against abuse in developing countries**

Thank you for your attention.



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